

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Proposed

**AIR QUALITY PERMIT
Issued under 401 KAR 52:020**

Permittee Name: Wacker Polymer Systems, L.P.
Mailing Address: 3301 Sutton Road
Adrian, MI 49221-9397

Source Name: Wacker Polymer Systems, Spray Dry Plant
Mailing Address: P.O. Box 1495
Calvert City, KY 42029

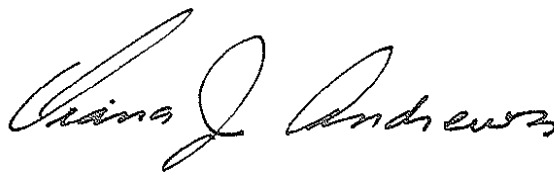
Source Location: 412 North Main Street, Calvert City, KY

Permit Number: V-06-001
Source A. I. #: 39186
Activity #: APE20040001
Review Type: Title V
Source ID #: 21-157-00050

Regional Office: Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003-9435
(270) 898-8468

County: Marshall

Application
Complete Date: May 3, 2005
Issuance Date: March 24, 2006
Revision Date: N/A
Expiration Date: March 24, 2011



**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**B84 (--) Spray Dryer Process Line #1**

Consisting of: Spray Dryer Tower #1 DA-7808*

Product Baghouse FH-7828*

Product Screener JS-7830*

Tower #1 Main Bag Filter FD-7838

* Product and exhaust stream routed through Main Bag Filter

Capacity: 4000 lb/hr output

Constructed: 9/1/1987

C23 (--) Spray Dryer Process Line #2

Consisting of: Spray Dryer Tower #2 DA-7998*

Product Baghouse FH-7928*

Product Screener JS-7930*

Tower #2 Main Bag Filter FD-7938

* Product and exhaust stream routed through Main Bag Filter

Capacity: 4000 lb/hr output

Constructed: 7/1/1995

APPLICABLE REGULATIONS:401 KAR 59:005, *General provisions*, applies to the operation of Spray Dryer Process #1 and #2.401 KAR 59:010, *New Process Operations*, applies to the PM emissions from Spray Dryer Process #1 and #2.401 KAR 63:020, *Potentially hazardous matter or toxic substances*, applies to the emissions of all potentially hazardous or toxic substances from Spray Dryer Process #1 and #2. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.

1. **Operating Limitations:** The permittee shall provide the utmost care and consideration, in the handling of hazardous matter or toxic substances, to the potentially harmful effects of the emissions resulting from such activities. [401 KAR 63:020, Section 3]

Compliance Demonstration Method: See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**.

2. **Emission Limitations:**

- a. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.
- b. Emissions of particulate matter (PM) from either the Tower #1 Main Bag Filter (FD-7838) or the Tower #2 Main Bag Filter (FD-7938) shall not exceed the Allowable Rate Limit as calculated by the following equation [401 KAR 59:010, Section 3 (2)]:

For process rates up to 60,000 lb/hr: $E = 3.59P^{0.62}$

Where E = rate of emissions in lb/hr, and

P = process weight in tons/hr (See "P_{ave}" under the **Compliance Demonstration Method** listed below).

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Spray Dryer Process Lines (continued)**

- c. The opacity of visible emissions from either the Tower #1 Main Bag Filter (FD-7838) or the Tower #2 Main Bag Filter (FD-7938) shall not equal or exceed 20 percent [401 KAR 59:010, Section 3 (1)].

Compliance Demonstration Method:

a. Mass Emission Standard:

- (1) The Tower #1 Main Bag Filter (FD-7838) or the Tower #2 Main Bag Filter (FD-7938) are assumed to be in continuous compliance between calculations of emissions at all times that they are operated in accordance with manufacturers' specifications and/or standard operating procedures. See the **Specific Monitoring, Recordkeeping, and Reporting Requirements**, below.
- (2) The permittee shall determine compliance after any particle distribution test or a change in the type of bags used in the bag filter by comparing the Allowable Rate Limit (see **Emission Limitation 2.b.**, above) to the Actual PM Emissions Rate (see **Compliance Demonstration Method a.(3)** and **a.(4)**, below).
- (3) For compliance with the PM mass emission standard, the allowable and actual emissions will be based on P_{ave} , calculated separately for each line, where:
$$P_{ave} = (\text{total weight, in tons, of spray dried emulsions production each month}) \div (\text{hours of process line operation each month})$$
- (4) Actual PM Emission Rate (calculated separately for each line) = (0.8 lb/ton of dried emulsions produced) * (P_{ave})
Note: the Main Bag Filter efficiency is incorporated into the 0.8 lb/ton emission factor.

- b. Opacity Limits: See the **Specific Monitoring, Recordkeeping, and Reporting Requirements**, below.

3. Testing Requirements:

- a. The permittee shall perform a particle distribution test on the spray dried material entering the bag filter within 30 days of any change in product formulations and once before renewal of this permit.
- b. Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

- a. The permittee shall continuously measure the pressure drop across the Main Bag Filters using the Distributed Control System (DCS) or other approved measuring device.
- b. The permittee shall perform daily Method 22 visible emission tests on the Main Bag Filters.
- c. The permittee shall perform a Method 9 test for opacity on the applicable Main Bag Filter within 24 hours of the following: [401 KAR 59:010 (4)(5)]

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Spray Dryer Process Lines (continued)**

- (1) An hourly average of measured pressure drops across a Main Bag Filter is recorded that is outside of the manufacturer's recommended operating range.
- (2) Visible emissions are observed during any Method 22 test.

5. Specific Recordkeeping Requirements:

- a. The permittee shall maintain records of the monthly production rates of spray dried emulsions and the monthly operating hours of each Spray Dryer Process Line.
- b. The permittee shall maintain records of the hourly averages of the measured pressure drops across each Main Bag Filter.
- c. The permittee shall maintain a log of the dates and times when the DCS alarm goes off and the results of any corrective action taken.
- d. The permittee shall maintain a log of the dates and times of each Method 22 test and either the results of the test (noting color, duration, density (dark or light), and cause), or reasons for not performing a Method 22 test.
- e. The permittee shall maintain a log of the dates and times of each Method 9 test and either the results of the test, or reasons for not performing a Method 9 test.
- f. The permittee shall maintain records of the manufacturers' specifications and/or standard operating procedures for the Main Bag Filters and their associated bags onsite at all times.
- g. The permittee shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of any affected facility or air pollution control device. [401 KAR 59:005, Section 3 (2)]

6. Specific Reporting Requirements:

- a. The permittee shall furnish the cabinet written notification of any physical or operational change to any affected facility which may increase the hourly emission rate of any air pollutant to which a standard applies. This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The permittee shall also submit any additional relevant information subsequent to this notice that the Division may request. [401 KAR 59:005, Section 3(1)(d)]
- b. The permittee shall submit to the Division the following information whenever the type of bags in either Main Bag Filter is changed:
 - (1) Manufacturer's specifications for the bags.
 - (2) The results of the compliance calculations for actual particulate emissions.
 - (3) A request to change the particulate emission factor in the KYEIS to reflect the new Main Bag Filter efficiency.

7. Specific Control Equipment Operating Conditions: N/A

SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**B85 (--) Mix Tank Tower #1 FA-7800**

Capacity: 24,000 gallons

Constructed: 9/1/1987

C24 (--) Mix Tank Tower #2 FA-7900

Capacity: 24,000 gallons

Constructed: 7/1/1995

APPLICABLE REGULATIONS:

401 KAR 63:020, *Potentially hazardous matter or toxic substances*, applies to the emissions of all potentially hazardous or toxic substances from the Mix Tanks. See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.

1. **Operating Limitations:** The permittee shall provide the utmost care and consideration, in the handling of hazardous matter or toxic substances, to the potentially harmful effects of the emissions resulting from such activities. [401 KAR 63:020, Section 3]

Compliance Demonstration Method: See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**.

2. **Emission Limitations:** See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.
3. **Testing Requirements:** Pursuant to 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in 401 KAR 50:015 shall be conducted as required by the Division.
4. **Specific Monitoring Requirements:** None.
5. **Specific Recordkeeping Requirements:** None.
6. **Specific Reporting Requirements:** See **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS** for source-wide requirements.
7. **Specific Control Equipment Operating Conditions:** N/A

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. B-86. Feed Tank Tower #1 FA-7801	None.
2. B-87. Storage Tank Tower #1 FA-7839	None.
3. B-88. Recycle Bin Tower #1 FH-7827	401 KAR 59:010
4. B-89. Clay Bin 1 Tower #1 FH-7825	401 KAR 59:010
5. B-90. Clay Bin 2 Tower #1 FH-7826	401 KAR 59:010
6. B-91. Bagging Filter Tower #1 FE-7830 (Spray Dryer Bagging Machine - Product Silo Feed)	401 KAR 59:010
7. C-25. Feed Tank Tower #2 FA-7901	None.
8. C-26. Storage Tank Tower #2 FA-7939	None.
9. Recycle Bin Tower #2 FH-7927	401 KAR 59:010
10. Clay Bin 1 Tower #2 FH-7925	401 KAR 59:010
11. Clay Bin 2 Tower #2 FH-7926	401 KAR 59:010
12. Bagging Filter Tower #2 FE-7930 (Spray Dryer Bagging Machine - Product Silo Feed)	401 KAR 59:010
13. Post Add Bin Tower #2 FH-7945	401 KAR 59:010

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate Matter, Volatile Organic Compound, and potentially hazardous matter or toxic substance emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. **Source Emission Limitations:**
 - a. Emissions due to shutdowns or malfunctions which temporarily exceed the standards in this permit shall not be deemed violations of such standards if the requirements of 401 KAR 50:055, Section 1, and **Section F.7.** and **F.8.** of this permit are satisfied.
 - b. Opacity standards in this permit shall not apply during periods of startup or shutdown. [401 KAR 50:055, Section 2(4)]
 - c. No owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants. [401 KAR 63:020, Section 3]

Compliance Demonstration Method: Compliance with **Source Emission Limitation 3.c.**, above, was demonstrated by SCREEN3 modeling results of the facility's maximum potential emissions.

4. **Source Reporting Requirements:**
 - a. The permittee shall furnish the cabinet written notification of any physical or operational change to any affected facility which may increase the hourly emission rate of any air pollutant to which a standard applies. This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The permittee shall also submit any additional relevant information subsequent to this notice that the Division may request. [401 KAR 59:005, Section 3(1)(d)]
 - b. The notice referenced in **Source Reporting Requirement 4.a.**, above, shall also include an updated modeling analysis portraying the resultant concentrations of potentially hazardous matter or toxic substances in the vicinity of the facility as a result of increased emissions.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.6 [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Paducah Regional Office
130 Eagle Nest Drive
Paducah, KY 42003-9435

U.S. EPA Region 4
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

SECTION G - GENERAL PROVISIONS(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Environmental and Public Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in the permit and
 - b. Non-applicable requirements expressly identified in this permit.
17. Pursuant to 401 KAR 50:045, Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.

(b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

(c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements
None.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(e) Acid Rain Program Requirements**

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
 - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

None.

SECTION I - COMPLIANCE SCHEDULE

None.